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*Attorney for Defendant Andrew Yeom
in his official and personal capacities*

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

IMPERIAL PACIFIC INTERNATIONAL (CNMI), LLC

CIVIL CASE NO. 1:24-cv-00001

Plaintiff.

v.

**COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS;
COMMONWEALTH CASINO
COMMISSION; ARNOLD PALACIOS,
Governor of CNMI, in his official capacity;
EDWARD C. DELEON GUERRERO,
Chairman of CCC, in his official and
personal capacities; RAFAEL S.
DEMAPAN, Vice Chairman of CCC, in his
official and personal capacities; MARIANO
TAITANO, Commissioner of CCC, in his
official and personal capacities; MARTIN
MENDIOLA, Commissioner of CCC, in his
official and personal capacities; RAMON M.
DELA CRUZ, Commissioner of CCC, in his
official and personal capacities; and
ANDREW YEOM, Executive Director of
CCC, in his official and personal capacities.**

**DEFENDANT ANDREW YEOM'S
REPLY IN SUPPORT OF MOTION TO
DISMISS FIRST AMENDED
COMPLAINT PURSUANT TO FEDERAL
RULES OF CIVIL PROCEDURE 12(b)(1)
AND 12(b)(6)**

Defendants.

COMES NOW, Defendant Andrew Yeom, Executive Director of the Commonwealth Casino Commission, in his official and personal capacities, by and through undersigned

1 counsel, and hereby submits his reply in support of his motion to dismiss Plaintiff's First
 2 Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). In
 3 support of its reply, Defendant Yeom notes the following:

- 4 1. On April 25, 2024, Defendant Yeom filed his motion to dismiss (ECF 41) and
 5 supporting memorandum (ECF 41-1). Plaintiff's opposition to the motion to dismiss
 6 was due May 17, 2024 (ECF 46). Plaintiff did not file an opposition by the deadline.¹
 7 Pursuant to Local Rule 7.1(c)(2), “[f]ailure to timely file an opposition may be deemed
 8 an admission that the motion is meritorious.”
- 9 2. On May 4, 2024, Plaintiff filed a Stipulation of Dismissal of Claims Against Andrew
 10 Yeom in His Official and Personal Capacities. The Stipulation remains pending before
 11 the Court. Unless and until Plaintiff's Motion Seeking Leave to File Second Amended
 12 Complaint (ECF 50) is granted, the Stipulation is not mooted. Defendant Yeom requests
 13 that the court grant the pending Stipulation before ruling on Plaintiff's leave to amend
 14 so Defendant Yeom's dismissal is with prejudice and he cannot be brought back into the
 15 case by a subsequent amendment to the complaint.²

16 Defendant Yeom therefore respectfully requests the Court to dismiss him from this action with
 17 prejudice.

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25 ¹ Rather, Plaintiff filed Plaintiff's Motion Seeking Leave to File Second Amended Complaint (DN 50) stating that
 26 “[i]t would be prudent to amend the Complaint and remove Mr. Andrew Yeom as one of the defendants, so Plaintiff
 27 does not have to respond to the Motion to Dismiss filed by Mr. Yeom.”

28 ² Plaintiff has in this very case done for another defendant what Defendant Yeom seeks to avoid — Plaintiff named
 Governor Palacios in both his official and personal capacities in the Complaint (DN 1); removed him in his personal
 capacity in the First Amended Complaint (DN 38); and now proposes to reinsert him in his personal capacity in the
 proposed Second Amended Complaint (DN 50-1). Granting either Defendant Yeom's motion to dismiss or the
 pending Stipulation with prejudice would avoid a similar result.

1 Dated: May 23, 2024

OFFICE OF THE ATTORNEY GENERAL

2 _____/s/

3 Alison M. Nelson (F0540)
4 Assistant Attorney General

5 *Attorney for Defendant Andrew Yeom
6 in his official and personal capacities*

7 **CERTIFICATE OF SERVICE**

8 I hereby certify that the above and foregoing DEFENDANT ANDREW YEOM'S
9 REPLY IN SUPPORT OF MOTION TO DISMISS FIRST AMENDED COMPLAINT
10 PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 12(b)(1) AND 12(b)(6) was
11 electronically filed on May 23, 2024, with service requested to all parties of record.

12 _____/s/

13 Alison M. Nelson (F0540)
14 Assistant Attorney General

15 *Attorney for Defendant Andrew Yeom
16 in his official and personal capacities*